

## FAQ's - Alcohol Ordinance and/or Application

1. What time will the Planning and Development Department stop taking applications on January 31?

***Answer: The deadline is the close of business, 5:00 P.M.***

2. There is a requirement to show proof of a \$2,500 performance bond. Our insurance company has issued a bond for \$2,500 and called it a "licensing and permitting bond". This is an insurance company which issues bonds to many such license applicants and they tell us it is the same except it doesn't say (performance bond). Is this ok?

***Answer: The performance bond required on page 20 of the application is a performance bond on the building construction that is required when building within the City of Loganville. It is not a licensing and permit bond as you have indicated.***

3. Can a \$2,500 check be submitted with the application to be held by the City of Loganville in lieu of the \$2,500 performance bond?

***Answer: Yes, a cash bond is acceptable. The money will be held in escrow. The applicant must fill out a bond letter, available at the Department of Planning and Development.***

4. On page 9 item #24 the application asks for a copy of the alcohol price list. We can do this but it involves between 6,000 and 8,000 products individually priced. At about 25 products per page it might amount to over 200 pages. If this is the intent we can comply. If not please advise.

***Answer: We do require the alcohol price list. Everyone is required to include this in their submission. This is in the ordinance, Section 4-121c.***

5. The insurance requirements say the insured must have \$2,000,000 General Liability with a \$2,000,000 Umbrella. Most companies do not write a \$2,000,000 General Liability limit, it may have a \$2,000,000 Annual Aggregate but must be only \$1,000,000 per occurrence. Will you accept a \$1,000,000 Per Occurrence with a \$2,000,000 annual aggregate and a \$3,000,000 Umbrella? (It would equal the 4 million you are asking for or if you are asking for a \$2,000,000 annual aggregate it would be above that limit) The limits I am mentioning are much more common. All you would need to do is in the ordinance change the wording to \$2,000,000 General Liability with a \$2,000,000 Umbrella or a total of \$4,000,000 including Underlying and Umbrella limits.

***Answer: We are asking for the limits as stated on the application. Our agent states that this is obtainable.***

6. I see that you require proof of insurance in the amount of \$2,000,000 General Liability with a \$2,000,000 umbrella policy. Can you let me know what type of proof of insurance is required to be submitted with the application? Does the applicant have to have that

insurance in place at the time the application is made, even if an applicant may not be issued the license?

***Answer: At the time a license application is submitted, the City will accept as proof of insurance a quote from a reputable insurance company. The quote must remain valid at least through April 15, 2013; the applicant may need to ask the insurance company for an extension of the quote. The quote should include liquor liability coverage. Prior to opening a package store, a licensee must submit a Certificate of Insurance to the City Planning Department. Failure to do so is cause for revocation of a license.***

7. What documentation needs to be submitted with the application to satisfy the proof of inventory requirement?

***Answer: Section 4-58(d) of the Code requires proof that the applicant will maintain a wholesale inventory valued at \$600,000.00. An affidavit of the applicant would satisfy this requirement.***

**8. Ordinances, applications and actions controlling the application process:**

My client has accessed the twenty page on-line Application for License to Sell Alcoholic Beverages. We have also accessed a copy of the City of Loganville Code of Ordinances in particular Chapter 4 Alcoholic Beverages available online through the link to Municode in the City of Loganville web site. Further investigation uncovered a copy of the Minutes of the City of Loganville "Called Council Meeting" Wednesday November 28, 2012, 10:00 a.m. Beyond those three documents. I have not been able to identify any other ordinances, applications or actions that address the process and requirements for filing an application for license to sell alcoholic beverages in the City of Loganville.

I specifically inquire if there are any additional documents or ordinances, applications or actions that address such an application. In particular, I ask for such documentation concerning that portion of the Minutes of the City of Loganville "Called Council Meeting" Wednesday November 28, 2012, 10:00 a.m. which read in relevant part:

"... the section *[sic]* process for licenses for package sales is a lottery process with one store being allowed in Walton County and another allowed in Gwinnett County."

I ask that you clarify whether any documentation exists which sets forth the "lottery process" and any requirements for participation in that process which are in addition to the Application for License and Ordinance Chapter 4 of the City of Loganville. In particular, I wish to determine dates for submission to the lottery process and the manner, time and place the lottery will be conducted.

If there are such documents as requested herein, I ask that you direct me to them at your earliest opportunity and in such a manner to ensure my client's rights to make application and participate in this process.

***Answer: Chapter 4 of the City of Loganville Code of Ordinances sets forth "the process and requirements for filing an application for license to sell alcoholic beverages in the City of Loganville." A copy of the ordinance approved on December 12, 2012, is attached to the application and posted on the City website. Other than the application and the referenced ordinance, the applicant may refer to responses to questions submitted to the City and posted on the City website under "Alcohol Application and Ordinance FAQs." No other documents outline or conflict with the qualifying process. However, construction permitting procedures will apply, if applicable.***

***Regarding the lottery process, please see the Notice that was posted in The Walton Tribune. The deadline to submit a complete sealed application is January 31, 2013. Various city departments will review each application to determine whether the applicant qualifies or the lottery, which will take place on April 11, 2013, at the regular City Council meeting. One licensee will be selected by lot from among all qualified applicants for a package store in Gwinnett County; a representative of the Gwinnett County Commission will draw the successful applicant from the pool of qualified Gwinnett applicants, who shall not be identifiable. Another licensee will be selected by lot from among all qualified applicants for a package store in Walton County; a representative of the Walton County Commission will draw the successful applicant from the pool of qualified Walton applicants, who shall not be identifiable.***

## **9. Certified Survey Requirement:**

Section 24 Page 9 of 20 of the Application for License to Sell Alcoholic Beverages requires the submission of a certified land survey. City of Loganville Ordinance 4-5613 further reads:

(1) Premises and survey requirements. The application shall contain:

- (1) A description of the business operation, its location, and facilities;
- (2) A blueprint or scale drawing of business facilities, except as provided in Section 4-58(a);

(3) A survey performed and signed by a certified surveyor and dated no more than 30 days prior to the filing of the application which indicates the location of the business and the distance to the nearest residence, school, church, library and alcoholic treatment center.

I write to determine if this Survey only requires property boundaries with distances to the nearest residence, school, church, library and alcoholic treatment center or whether, in addition to this data the survey must also show pins and locations of improvements and easements.

***Answer: Include Property Boundaries with distance to requested locations where applicable; some locations require door-to-door distance measurements.***

## **10. Price List Requirement:**

Section 4 Page 9 of 20 of the Application for License to Sell Alcoholic Beverages requires the submission of a copy of the Alcohol Price List. City of Loganville Ordinance 4-121c further reads in relevant part:

Sec. 4-121. - Prices.

(c) Licensees shall file a copy of their price lists with the city clerk and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed the price list furnished to the police department. Upon any increase or decrease of prices, a new list must be tiled with the city clerk. (Ord. of 2-14-2008 § 18-229)

I write to determine if this price list is to be filed with the application or as is suggested by Ordinance 4-121 it can be filed upon acceptance of the application.

***Answer: A price list is part of a complete application and must be submitted at the same time as the application.***

## **11. Incorporation of Applicant:**

At present, my client intends to submit his application as a partnership with one other individual. He has asked whether upon a successful selection in the lottery process whether he and his partner will be allowed to substitute a limited liability company comprised of the two partners as the named licensee.

***Answer: In general, it is acceptable to assign a license from a partnership to any LLC formed to run the licensed business, as long as the same two individuals who submitted the original application are the sole members of the LLC. Note on the application that the applicant includes any LLC that may be formed by the individual applicants. Upon formation of the LLC, submit to the City of Loganville Planning Director a copy of the Articles of Organization filed with the Secretary of State and a Certificate of Existence. The City of Loganville reserves the right to review the Operating Agreement.***

12. The applicant is a limited liability company ("LLC"). No such designation is provided on the application - is it alright to designate the "LLC" status and complete the application as if the same as a corporation? This would include, of course, providing a "Certificate of Organization" instead of a "Certificate of Incorporation" (as these are the terms assigned by the Georgia Business Code and the Secretary of State's office).

***Answer: Yes. Please note on the application that the applicant is an LLC. Please provide a copy of the Articles of Organization filed with the Secretary of State and a Certificate of Existence. The City of Loganville reserves the right to review the Operating Agreement.***

13. The applicant is the LLC itself, which is also the owner of the real estate where the store would be located. As such, I assume the owners of the LLC can be listed everywhere there are spaces for the owners or officers. It will essentially be the same 2 individuals in all places. Is this correct?

***Answer: Yes, please list the owners of the LLC everywhere there are spaces for the owners or officers of a corporation. If there are only two members of the LLC, then the same two individuals will be listed in all places on the application.***

14. Under # 10, again one of the owners will be designated as the "Licensee" individually, as the manager of the LLC. Is that the correct way to consider this response?

***Answer: Yes, the individual owner who will be designated as the licensee should be listed in response to #10.***

15. Under # 11, I have been asked to serve as the registered agent. My business address is in the city limits. Is it alright to list only my business address, or do I need to list my personal home address? Do I need to list addresses for last 10 years (this information for the Licensee is provided in response to #10, so not sure what to put in #11)? This also is a question with regard to the Registered Agent Consent Form - again, is it really necessary to list my home address or is my office address sufficient?

***Answer: The registered agent should list both business and personal addresses. The current address may be the business address, but the addresses for the past 10 years should include the current personal address and any other personal addresses during the past 10 years.***

16. Also with regard to #11, do you need a 2x2 photo of me as the registered agent? Photos are being supplied for both of the owners, but wasn't sure about the need for me to submit them, also.

***Answer: Yes, a 2 x 2 photo of the registered agent is required.***

17. Under #19, and a couple of other places, there is reference to "sufficient lighting." My clients have not built a building yet, but do have renderings and a site plan available. Certainly, their building would be subject to, and comply with, all building requirements and codes when it is actually constructed. Is it sufficient, as for this application, to indicate "Yes" based on the plan to comply with this requirement once constructed?

***Answer: Yes, the applicant may mark "Yes" to indicate an intent to comply with the city's lighting requirements.***

18. The requirement for the sign in Item #25 - is there any particular format or simply the information listed there placed on a sign and placed on the property? Is there any particular place on the property for the sign to be placed, or just anywhere (in the middle of the property, left side, right side, etc.)?

*Answer: There is no specified location for the sign, as long as it is clearly visible from the roadway. All signs must be clearly visible with dark, unfaded lettering. (See Code Section 4-120) The application form states the required information and size. (See, also, Code Section 4-57.*